

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERNEST FLAGG, as Next Friend  
of JONATHAN BOND,

No. 05-74253

Plaintiff,

District Judge Gerald E. Rosen

v.

Magistrate Judge R. Steven Whalen

CITY OF DETROIT, et.al.,

Defendants.

---

**ORDER TO APPEAR FOR ORAL ARGUMENT**

Before the Court is a Motion to Amend Order (Docket #159) and Amended Motion to Amend Order (Docket #160), filed by non-party Velocita Wireless, LLC, f/k/a Bell Industries, Inc., d/b/a SkyTel ("SkyTel"), regarding the production of text messages under this Court's September 5, 2008 Order Establishing Schedule (Docket #141). That Order required SkyTel to produce three copies of the text messages, in CD form, within 10 days of receiving a request from Defendant City of Detroit. In its Amended Motion, SkyTel seeks to extend the time to 35 days.

Oral argument on SkyTel's Motion and Amended Motion will take place on **MONDAY, OCTOBER 27, 2008, at 10:00 a.m.**, before Magistrate Judge R. Steven Whalen, Courtroom 662, United States Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

SkyTel states that the Plaintiff's document request, which was forwarded to it by the City of Detroit, requests information regarding 39 separate individuals. This is five more names than were on the Plaintiff's original subpoena. Plaintiff has been instructed several times to pare down the list to a more limited number of individuals likely to be relevant to this litigation. That the list has grown larger rather than smaller is of concern. Therefore, Plaintiff is directed to file, no later than **5:00 p.m. on October 23, 2008**, a list of all individuals, with the exception of named individual Defendants, from whom text message information is sought, with a brief explanation of the relevance of each individual.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: October 20, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 20, 2008.

S/Gina Wilson  
Judicial Assistant